IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2578 of 2007()

C.C.575 OF 2003 OF JFMC, PARAVUR, KOLLAM

PETITIONER:

G.PREMACHANDRAN ASAN, AGED 65,
S/O.LATE GOVINDA PILLAI,
RAJI BHAVAN, OZHUKUPARA CHERRY,
PARAVUR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS:

---

1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CHATHANNOR, KOLLAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2578 of 2007

Dated this the 10th day of August, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 420 I.P.C. The case was registered as early in 2003. Crime was registered on the basis of a private complaint referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is complete. Final report has been filed. The petitioner did not appear before the learned Magistrate. Coercive processes have been issued by the learned Magistrate against the petitioner to procure his presence. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing him.

2. According to the petitioner, he is absolutely innocent. His absence was not wilful. No processes were ever served on him. The petitioner is willing to surrender before the learned Magistrate and co-operate with the court for expeditious disposal of the case. The petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-